


IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

JEH, INC. and
ERIC HINSHAW,

Plaintiffs,

vs.

No. 05:2509 MaV

VOLVO CONSTRUCTION EQUIPMENT
RENTS, INC.; VOLVO CONSTRUCTION
EQUIPMENT NORTH AMERICA, INC.;
VOLVO COMMERCIAL FINANCE LLC
THE AMERICAS; and
SCOTT CONSTRUCTION EQUIPMENT
CO., LLC,

Defendants.

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held, ~~on August 25, 2005.~~

Present were Barry Ward and Marc L. Schatten, Glankler Brown, PLLC, counsel for plaintiffs, Stephen P. Hale and Margaret A. Reid, Husch & Eppenberger, LLC, Attorneys for Defendants, Scott Construction Equipment Co. ("Scott Construction"), LLC, Michael J. Lockerby and Sean P. Trende, Hunton & Williams LLP, Glen Reid and Robert E. Craddock, Jr. of Wyatt, Tarrant & Combs, LLP, Attorneys for Defendants, Volvo Construction Equipment Rents, Inc. ("Volvo Rents") and Volvo Construction Equipment North America, Inc. ("Volvo CE"), Eugene J. Podesta, Jr. and Thomas Barnett, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Attorneys for Defendant VFS US LLC d/b/a Volvo Commercial Finance ("Volvo Finance")

(identified in the Complaint as Volvo Commercial Finance LLC the Americas). At the conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT to Fed.R.Civ.P. 26(a)(1): September 9, 2005.

JOINING PARTIES: October 31, 2005.

AMENDING PLEADINGS: October 31, 2005.

INITIAL MOTIONS TO DISMISS: November 30, 2005.

COMPLETING ALL DISCOVERY: April 28, 2006.

(a) **DOCUMENT PRODUCTION:** April 28, 2006.

(b) **DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:** April 28, 2006

(c) **EXPERT WITNESS DISCLOSURE (Rule 26):**

(1) **DISCLOSURE OF PLAINTIFF'S AND COUNTER-PLAINTIFF'S RULE 26 EXPERT INFORMATION:** February 28, 2006.

(2) **DISCLOSURE OF DEFENDANT'S AND COUNTER-DEFENDANT'S RULE 26 EXPERT INFORMATION:** March 30, 2006.

(3) **EXPERT WITNESS DEPOSITIONS:** April 28, 2006.

FILING DISPOSITIVE MOTIONS: May 31, 2006.

OTHER RELEVANT MATTERS: The Defendant Volvo Rents filed a motion to compel arbitration on July 22, 2005, and in no way waives its rights by joining this order. In accordance with the Court's observations concerning mediation made at the hearing on Plaintiffs application for a temporary injunction heard on July 27, 2005, Plaintiffs and Volvo Rents and Volvo CE have agreed to pursue mediation and that the private mediation shall be concluded by October 1, 2005. Plaintiffs and Volvo Rents and Volvo CE have agreed that this litigation will be stayed and suspended effective from July 27, 2005 until October 1, 2005 so that all responses that any party is required to make to pleadings, motions or discovery and all new pleadings, motions and discovery are hereby stayed and suspended until October 1, 2005. Volvo Rents' Motion to Compel Arbitration, like all other motions, pleadings, and discovery is stayed by agreement pending the mediation. Volvo Finance and Scott Construction have not agreed to the mediation and stay of this case.

No depositions may be scheduled to occur after the discovery cutoff date, except by leave of Court. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last seven days if all parties that are presently in this litigation participate in the trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

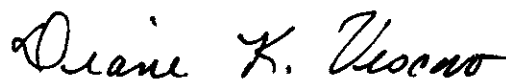
The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59 and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

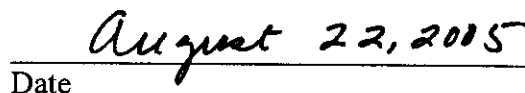
The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



The Honorable Diane K. Vescovo
United States Magistrate Judge


Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 43 in case 2:05-CV-02509 was distributed by fax, mail, or direct printing on August 25, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT